



PATENT
Attorney Docket No. 101.0081-00000
Customer No. 22882
Express Mail Label No. ER521778559US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 8412
Gary K. Michelson)
Serial No.: 10/085,731) Group Art Unit: 3732
Filed: March 1, 2002) Examiner: M. Priddy
For: DYNAMIC LORDOTIC GUARD WITH)
MOVABLE EXTENSIONS FOR)
CREATING AN IMPLANTATION)
SPACE POSTERIORLY IN THE)
LUMBAR SPINE (as amended))

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TECHNOLOGY CENTER 3700

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending applications of Applicant; the claims and drawings of which are attached hereto:

NOT FOR PUBLICATION

<u>Application Number</u>	<u>Filing/Issue Date</u>	<u>Publication/Patent No.</u>
_____ 10/085,406	01MAR2002	2002/0128659
_____ 10/125,847	01MAR2002	2003/0199874
_____ 10/675,820	30SEP2003	(unknown)

Applicant respectfully requests that the Examiner consider the documents listed above, indicate that they were considered by making appropriate notations in the space provided, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

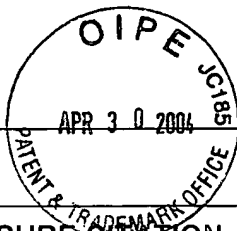
Respectfully submitted,

MARTIN & FERRARO, LLP

Date: April 30, 2004

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0081-00000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary K. Michelson	Application Number 10/085,731	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>	Filing Date March 1, 2002	Group Art Unit 3732	Examiner M. Priddy

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,486,505	12/1969	Morrison			
	4,545,374	10/1985	Jacobson			
	5,431,658	7/1995	Moskovich			
	6,520,967	2/2003	Cauthen			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER**DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.